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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6917/2007

PETITIONERS

1. Balmakund Patel, s/o Sundar Lal Patel, aged about 46 years, Assistant Teacher, Govt. High School Sapos, Block Dabhara, Distt. Janjgir, Champa (C.G).
2. Dadu Ram Patel, s/o Devcharan Patel, aged about 47 years, Assistant Teacher, Govt. High School Reda, Block Dabhara, Distt. Janjgir Champa (C.G)
3. Padmalochan Patel, s/o Bhairo Prasad Patel, aged about 51 years, Assistant Teacher, Govt. Higher Secondary School, Kirari, Block Dabhara, Distt. Janjgir Champa (C.G).
4. Loknath Patel, s/o Hiradhar Patel, aged about 48 years, Assistant Teacher, Janpad Balak Primary School Chandrapur, Block Dabhara, District Jangir Champa (C.G).

Versus

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.).
2. The Director, Public Instructions, D.K.S. Bhawan, Raipur, District Raipur (C.G).
3. District Education Officer, District Janjgir Champa (C.G).
4. Block Education Officer, Dhabhara, District Janjgir Champa (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Dhani Ram Patel, Counsel for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State/respondents on advance copy.

ORAL ORDER
(21.11.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale with effect from the date of initial appointment or from the date of completion of probation period. He submits that the issue

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involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others –vs- State of M.P. & others), wherein, it was held that similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was brought to Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by Hon'ble the Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another (W.P(S) No.813/2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

Rao